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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,404	12/17/2001	Michael Wayne Brown	AUS920010840US1	3589

43307 7590 08/16/2004

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,404

Applicant(s)

BROWN ET AL.

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2683

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,6-12,15-19,21,23-29,31-35,37-40,42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosinski et al..

The claimed invention reads on Rosinski et al. as follows:

Regarding claim 1, Rosinski et al. discloses a method (fig. 5) for billing for telephone services (col. 13 line 15 through col. 15 line 28), said method comprising: responsive to receiving a call request (col. 10 lines 20-35), identifying and loading a caller billing plan for an authenticated identity of a caller making said call request (col. 10 lines 20-61 and col. 11 lines 45-65) and a callee billing plan (terminating subscriber agreement) for an authenticated identity (terminating party number) of a callee answering said call request (col. 11 line 45 through col. 12 line 27 and col. 13 line 15 through col. 14 line 27); and responsive to detecting a billable service with said call request (col. 13 line 15 through col. 14 line 27), distributing a cost of said billable service among said caller billing plan and said callee billing plan (col. 14 line 12 through col. 15 line 28), such that both said caller and said callee pay for a benefit received from said billable service (col. 14 line 12 through col. 15 line 28).

Regarding claims 2 and 19, Rosinski et al. discloses a long distance service (col. 4 lines 14-18).

Art Unit: 2683

Regarding claims 4 and 21, Rosinski et al. discloses wherein said authenticated identity of said caller is authenticated according to a voice utterance (voice print) provided by said caller (col. 12 lines 28-39).

Regarding claims 6 and 23, Rosinski et al. discloses initiating authentication of said identity of said caller and said callee at an origin device (IXC originating switch) (col. 11 lines 45-65), wherein said origin device is enabled to initiate said call request (col. 11 lines 45-65 and col. 13 lines 25-58).

Regarding claims 7 and 24, Rosinski et al. discloses initiating authentication of said identity of said caller and said callee at an intermediary device (terminating IXC switch) processing said call Request (col. 11 lines 45-65 and col. 13 lines 25-58).

Regarding claims 8 and 25, Rosinski et al. discloses initiating authentication of said identity of said caller and said callee at a destination device (IXC), wherein said destination device is enabled to receive said call request (col. 11 lines 45-65 and col. 13 lines 25-58).

Regarding claims 9 and 26, Rosinski et al. discloses switching said call request from a first service provider (originating switch or LEC) associated with said caller billing plan to a second service provider (terminating switch or LEC) associated with said callee billing plan (destination trigger table) (col. 13 lines 15-37).

Regarding claims 10 and 27, Rosinski et al. discloses said caller is also a line subscriber of a line number (automatic telephone number) (ANI) utilized by said caller to make said call request (col. 10 lines 30-33).

Regarding claims 11 and 28, Rosinski et al. discloses wherein said caller (originating caller number) (ANI) (fig. 3 number 403) is different from a line subscriber of a line number (terminating number) (ANI) (fig. 3 number 401) utilized by said caller to make said call request (col. 13 lines 20-37).

Regarding claims 12 and 29, Rosinski et al. discloses wherein said callee is also a line subscriber of a line number (terminating number utilized by said callee (terminating party) to receive said call request (col. 13 lines 15-45).

Art Unit: 2683

Regarding claims 15,32 and 42, Rosinski et al. discloses extending a request to said callee to elect to pay for a portion of said cost of said billable service (col. 6 lines 41-67, col. 9 line 40 through col. 10 line 2 and col. 10 lines 36-61); and billing said callee billing plan according to said payment election (col. 6 lines 41-67, col. 9 line 40 through col. 10 line 2 and col. 10 lines 36-61).

Regarding claims 16,33 and 43, Rosinski et al. discloses distributing said cost of said billable service evenly between said caller billing plan and said callee billing plan (col. 9 line 40 through col. 10 line 2, col. 10 lines 36-61 and col. 13 line 15 through col. 14 line 60).

Regarding claims 17,34 and 44, Rosinski et al. discloses distributing said cost of said billable service to each of said caller billing plan and said callee billing plan according to actual percentage use by each of said caller and said callee (col. 6 lines 41-67, col. 9 line 40 through col. 10 line 2 and col. 10 lines 36-61).

Regarding claim 18, Rosinski et al. discloses a system (fig. 1) for billing for telephone services (col. 2 lines 1-55), said system comprising: a network controller (LEC) (fig.1) ; means responsive to receiving a call request (col. 13 lines 15-35), for identifying and loading a caller billing plan for an authenticated identity of a caller (originating) making said call request and a callee (terminating party) billing plan for an authenticated identity of a callee answering said call request at said network controller (col. 10 lines 20-67 and col. 13 line 15 through col. 14 line 27); and means responsive to detecting a billable service with said call request (col. 10 lines 20-67 and col. 13 line 15 through col. 14 line 27), for distributing a cost of said billable service among said caller billing plan and said callee billing plan (col. 10 lines 20-67 and col. 13 line 15 through col. 14 line 27).

Regarding claim 35, Rosinski et al. discloses a computer program (fig. 1 number 30) product for billing for telephone services (col. 2 lines 1-55), said computer program product comprising (col. 2 lines 1-55): a recording medium (database)(fig. 1 number 386) means recorded on said recording

Art Unit: 2683

medium for identifying and loading a caller (originating caller) billing plan for an authenticated identity (pin or retina pattern) of a caller (originator) making a call request and a callee (terminating party) billing plan for an authenticated identity (directory number) (DN or DN trigger) of a callee answering said call request (col. 9 line 40 through col. 10 line 61 and (col. 11 line 45 through col. 12 line 44); and (LEC) means, recorded on said recording medium, for distributing a cost of a billable service for said call request among said caller billing plan and said callee billing plan (col. 9 line 40 through col. 10 line 61 and col. 13 line 15 through col. 14 line 11).

Regarding claim 37, Rosinski et al. discloses (database) (fig. 1 number 386) means, recorded on said recording medium (col. 11 line 45 through col. 12 line 44), for initiating authentication of said identity of said caller and said callee at an origin device (LEC) (col. 11 line 45 through col. 12 line 44), wherein said origin device (LEC) is enabled to initiate said call request (col. 11 line 45 through col. 12 line 44).

Regarding claim 38, Rosinski et al. discloses (database) (fig. 1 number 386) means, recorded on said recording medium, for initiating authentication of said identity of said caller and said callee at an (LEC) intermediary device processing said call request (col. 11 line 45 through col. 12 line 44).

Regarding claim 39, Rosinski et al. discloses (database) (fig. 1 number 386) means, recorded on said recording medium (database) (fig. 1 number 386), for initiating authentication of said identity of said caller and said callee at a (terminating LEC) destination device (col. 11 line 45 through col. 12 line 44), wherein said destination device is enabled to receive said call request (col. 11 line 45 through col. 12 line 44).

Regarding claim 40, Rosinski et al. discloses an Interchange carrier (fig. 1 number 30) means, recorded on said recording medium (fig. 1 number 30), for switching said call request from a first service provider (originating LEC) (fig. 1 numbers 21 and 22) associated with said caller billing plan (fig. 1 number 24) to a second service provider (terminating LEC) (fig. 1 numbers 41 and 42) associated with said callee billing plan (col. 11 line 45 through col. 12 line 44).

Art Unit: 2683

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3,5,20,22 and 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. in view of Swope et al..

Regarding claims 3,20 and 36, Rosinski et al. discloses a method/system/computer program as discussed supra in claims 1,18 and 35 above. Rosinski et al. further discloses receiving said call request from an origin device (originating device) at a service provider (LEC) from an origin line number utilized by said origin device (col. 4 lines 38-42 and col 13 lines 15-53); loading a profile for a line subscriber of said origin line number (col. 5 lines 9-25), wherein said profile comprises a billing plan for said line subscriber (col. 7 lines 9-15); extending a dial tone to said origin device (inherent, as the originating device enters a Pin number taught in col. 10 lines 20-26); authenticating said identity of said caller utilizing said origin device (col. 10 lines 20-26 and col. 11 line 45 through col. 12 line 28); loading said caller billing plan according to said authenticated identity to replace said billing plan for said line subscriber (col. 11 line 45 through col. 12 line 45); loading a profile for a destination line subscriber of a requested destination line number (col. 11 line 45 through col. 12 line 45 and col. 13 lines 15-53), wherein said profile comprises a billing plan for said destination line subscriber (col. 11 line 45 through col. 12 line 45 and col. 13 lines 15-53); extending a ring signal to a destination device via said destination line number (inherent as the terminating party answer

Art Unit: 2683

the call, as taught in col. 13 lines 25-53); responsive to detecting an answer at said destination device (col. 13 lines 25-53), and loading said callee billing plan according to said authenticated identity to replace said billing plan for said destination line subscriber col. 13 lines 25-53. Rosinski et al. differs from claims 3,20 and 36 of the present invention in that it does not explicit disclose authenticating said identity for said callee utilizing said destination device. Swope et al. teaches a central office which authenticates a called party identification (CIV) (col.7 lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosinski et al. with authenticating said identity for said callee utilizing said destination device in order to determine if the called party which answers the long distance call is authorized, as taught by Swope et al..

Regarding claims 5 and 22, Rosinski et al. discloses a method/system for billing for telephone services as discussed supra in claims 1 and 18 above. Rosinski et al. differs from claims 5 and 22 of the present invention in that it does not disclose wherein said authenticated identity of said callee is authenticated according to a voice utterance provided by said callee. Swope et al. teaches a called party is prompted for a customer identification and verification (CIV) that includes voice recognition of the called party (col. 7 lines 50-60 and col. 8 lines 6-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosinski et al. with wherein said authenticated identity of said callee is authenticated according to a voice utterance provided by said callee in order for the LEC to verify the called party of the terminating party if the terminating party has a clause within its plan that if the long distance call is over a specific limit then contact the terminating party first before allocating the long distant call, as taught by Swope et al..

5. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. in view of Levy.

Regarding claims 13 and 13, Rosinski et al. discloses a method for billing for telephone services as discussed supra in

Art Unit: 2683

claims 1 and 18 above. Rosinski et al. differs from claims 13 and 30 of the present invention in that it does not disclose said callee is different from a line subscriber of a line number utilized by said callee to receive said call request. Levy teaches a caller or called party may elect a telephone number of a business to be billed (col. 3 lines 50-54 and col. 4 lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosinski et al. with said callee is different from a line subscriber of a line number utilized by said callee to receive said call request in order for the terminating party to bill the call to its business, as taught by Levy.

6. Claims 14,31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. in view of Swale et al..

Regarding claims 14,31 and 41, Rosinski et al. discloses a method for billing for telephone services as discussed supra in claims 1, 18 and 35 above. Rosinski et al. differs from claims 14,31 and 41 of the present invention in that it does not explicit disclose extending a request to said caller to elect to pay for; and billing said caller billing plan according to said payment election. Swale et al. teaches an exchange for extending a request to a caller to elect to pay for (col. 6 lines 41-67); and billing said caller billing plan according to said payment election (col. 7 lines 1-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosinski et al. with extending a request to said caller to elect to pay for; and billing said caller billing plan according to said payment election in order for the originating caller to decide to pay for the portion of the long distance call, as taught by Swale et al..

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hata et al. (U.S. Patent 5,602,907) discloses an orinating caller and a

Art Unit: 2683


called party may modify the call by splitting the bill (col. 15 lines 20-55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683



Application/Control Number: 10/023,404

Page 10

Art Unit: 2683

July 21, 2004